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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/716,893

11/18/2003

Gary Edward Peterson

206,270

8694

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7590

04/23/2008

EXAMINER

PILLAI, NAMITHA

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/716,893	<b>Applicant(s)</b> PETERSON, GARY EDWARD	
	<b>Examiner</b> NAMITHA PILLAI	<b>Art Unit</b> 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Amendment*

1. The Examiner acknowledges Applicant's submission on 1/16/08 including amendment to claim 13, the submission of a 131 Affidavit and the filing of a Terminal Disclaimer. In view of the amendments, the objection of claim 13 has been withdrawn. All pending claims have been rejected where the previous rejection has been maintained. In view of the filing of a Terminal Disclaimer, the provisional non-statutory obviousness-type double patenting rejection of claims 1-6 and 12-17 over copending Application No. **11/223468** has been withdrawn.

2. The 131 Affidavit filed on 1/16/08 under 37 CFR 1.131 has been considered but is ineffective to overcome the Kumar et al. (US2006/0100912A1) reference. The affidavit does not establish possession of the invention claimed. The facts provided do not clearly convey the claimed elements of the present invention. As disclosed in claim 1, the affidavit discloses an interactive risk management system with a mapping of a plurality of processes and at least one risk message associated with at least one of the plurality of processes. Furthermore, it would have been obvious to one of ordinary skill in the art that this invention is implemented on a computer including a processor, input device, a display and a memory. The affidavit does not clearly disclose the user interface elements that are defined in the claims. The affidavit does not clearly disclose that the user interface conveys that each set of the displayed processes have an associated user actuatable display region and that in response to user actuation of an

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actuatable display region of a selected process, the browser displays at least one risk message associated with the selected process.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-20 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-25 of copending Application No. **10/868484**. Although the conflicting claims are not identical, they are not patentably distinct from each other because the amendments added are directed to further display means. The claims already recite displaying the plurality of the processes and the mappings along with risk message. Therefore, the amendments directed to displaying of this data as graphical images would be obvious to one of ordinary skill in the art.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumar et al. (US2006/0100912A1) further in view of Ram et al. (US2003/0009411A1).

**Claims 1 and 12:** Kumar discloses an interactive risk management method and system for providing risk information (Kumar: par. [0314]: capable of displaying warnings for prospective policies) associated with one or more of a plurality of processes, the method comprising the steps of: providing a computer including a processor, an input device, a display, and a memory (Kumar: Fig. 175: items #17512, #17514 and #17504); storing in the memory at least one risk message associated with at least one of the plurality of processes (Kumar: .par. [0314] and Fig. 1: item #104); receiving at the processor user command signals entered through the input device (Kumar: .par. [0890] and Fig. 175) ; displaying to the user through the browser the mapping of the plurality of processes, with each of a set of the displayed processes having an associated actuatable display region (Kumar: par. [0292 - 0294] and Fig.12); receiving at the processor signals corresponding to user actuation of an actuatable display region of a selected process (Kumar: par. [0867] and Fig. 169); and displaying to the user through

the browser, in response to the user actuation, the at least one risk message (**Kumar:** par. [0867]; (e.g. error/status box) and Fig. 169) associated with the selected process, thereby allowing the user to gain information about the selected process and any associated risk (**Kumar:** par. [0867] and Fig. 169); displaying a graphic user interface including a browser on the display (**Kumar:** par. [0475]); **Kumar** does not disclose "storing in the memory a mapping of a plurality of processes". However, **Ram** does disclose storing the market trading data in the memory (**Ram:** par. [0077]). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have store the market trading data in the memory in **Kumar's** system. One would have been motivated to store data in the memory to recall and display on the graphical interface (**Ram:** par. [0077]).

**Claims 2 and 13: Kumar** in view of **Ram** disclose the interactive risk management method and system of claims 1 and 12, further comprising: providing inputs by users using the input device and a browser (**Kumar:** fig. 1 : items #190 and #104) connected to a computer network (**Kumar:** par. [0202]; fig. 1: items #100, #112 and #190); communicating command signals through the computer network to access and display to the user the mapping (**Kumar:** par. [0451 - 0452]); and actuating the actuatable display regions to selectively view the at least one risk message (**Kumar:** par. [0867]; (e.g. error/status box) and Fig. 169).

**Claims 3 and 14: Kumar** discloses the interactive risk management method and system of claims 2 and 13, the computer network is an intranet (**Kumar:** par. [0203]).

**Claims 4 and 15: Kumar** discloses the interactive risk management method and system of claims 2 and 13, the computer network is an Internet (Kumar: par. [203]).

**Claims 5 and 16: Kumar** in view of Ram disclose the interactive risk management method and system of claims 1 and 12, further comprising: Kumar: disclose associating actuatable display regions with link data addressing linkable data (clicking a name (e.g. a hyperlinked name))(Kumar: par. [0369]), but Kumar does not explicitly disclose "stored in the memory". However, Ram does disclose storing the market trading data in the memory (Ram: par. [0077]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have combine linkable data (market trading data) store in the memory in Kumar's system. One would have been motivated to include linkable data links stored in memory to easily accessible whenever needed to display on the graphical interface (Ram: par. [0077]);

**Kumar** disclose responding at the processor to actuation of a selective actuatable display region to communicate via a respective link data (Kumar: par. [0223]), but Kumar does not explicitly disclose communicate with the memory.

However, Ram does disclose data stored in memory and to graphically display the data over a selected time period may be selectively invoked by a trader (Ram: par. [0266]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have combine linkable data link with memory in Kumar's system. One would have been motivated to include linkable data links stored in memory to quickly recall data on the graphical interface (Ram: par. [0077]); and

Kumar disclose retrieving the corresponding linkable data (the user clicks on a hyperlinked name, the proximity analysis wizard appears pre-populated) (Kumar: par. [0371]).

**Claims 6 and 17: Kumar** discloses the interactive risk management method and system of claims 5 and 16, wherein the link data is a hyperlink (Kumar: par. [0371]).

**Claims 7 and 18:** Kumar discloses the interactive risk management method and system of claims 1 and 12, further comprising the step of: operating at the processor mapping software (Kumar: par. [0010]; GIS application, such as Arc Info) to display the mapping and the plurality of processes as graphical representations on the display (Kumar: par. [0868] and Fig. 170).

**Claim 8: Kumar** in view of Ram disclose the interactive risk management system of claim 7, Kumar disclose the mapping software displays on the display to indicate risk information available to the user (Kumar: par. [0867] (e.g. error/status box) and Fig. 169) but Kumar does not explicitly disclose "a graphical stop sign image". However, Ram does disclose graphical stop sign image (Ram: fig. 18: item #154 and par. [0478]). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have combine a graphical stop sign image on mapping software in Kumar's system. One would have been motivated to include a graphical stop sign image to terminate the process (Ram: fig. 18: item #154 and par. [0478]).

**Claim 9: Kumar** discloses the interactive risk management system of claim 7, wherein



the mapping software displays the processes in a multi-dimensional format (Kumar: par. [0213]: JPEG, FIFF).

**Claims 10 and 19:** Kumar in view of Ram disclose the interactive risk management method and system of claims 7 and 18, Kumar does disclose the mapping software (Kumar: par. [0011]), but Kumar does not disclose "displays subsets of the plurality of processes in a plurality of horizontal lanes, the horizontal lanes being oriented one above the other vertically".

However, Ram does disclose the graphical representation includes at least one grid having plurality of cells (subsets of presses) arranged in an array of at least one row or at least one column (Ram: [0015]). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have display plurality of processes in mapping software in Kumar's system. One would have been motivated to include subsets of processes on mapping software to display multiple lanes (Ram: [0015]: rows and columns).

**Claims 11 and 20:** Kumar discloses the interactive risk management method and system of claims 7 and 18, wherein the mapping software is graphics software (Kumar: par. [0011]).

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Responses to this action should be submitted as per the options cited below: The United States Patent and Trademark Office requires most patent related correspondence to be: a) faxed to the Central Fax number (571-273-8300) b) hand carried or delivered to the Customer Service Window (located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), c) mailed to the mailing address set forth in 37 CFR 1.1 (e.g., P.O. Box 1450, Alexandria, VA 22313-1450), or d) transmitted to the Office using the Office's Electronic Filing System.

In responding to this office action, please note that the examiner of record for the above-identified application has changed. Please direct all future correspondence to Namitha Pillai whose telephone number is (571) 272-4054. The examiner can normally be reached from 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doon Chow can be reached on (571) 272-7767.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Namitha Pillai  
Patent Examiner  
Art Unit 2173  
April 21, 2008

/Tadesse Hailu/

Primary Examiner, Art Unit 2173

<b>Application Number</b> 	<b>Application/Control No.</b>	<b>Applicant(s)/Patent under Reexamination</b>	
	10/716,893	PETERSON, GARY EDWARD	
	<b>Examiner</b>	<b>Art Unit</b>	
	NAMITHA PILLAI	2173	